

The Honorable Judge Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a foreign
insurance company,

Plaintiffs,

v.

NORTH AMERICAN TERRAZZO, INC., a
Washington Corporation,

Defendants.

NORTH AMERICAN TERRAZZO, INC, a
Washington Corporation,

Third Party Plaintiff,

v.

TERRAZZO & MARBLE SUPPLY CO. OF
ILLINOIS, a foreign corporation,

Third Party Defendant

No. 2:19-cv-1175 MJP

**REVISED SCHEDULING ORDER
AND JOINT DISCOVERY PLAN**

Plaintiff Travelers Property Casualty Company of America (hereinafter “Travelers”),
Defendant/Third Party Plaintiff North American Terrazzo (hereinafter “NAT”) and Third-Party
Defendant Terrazzo & Marble Supply Co. of Illinois (hereinafter “Terrazzo”) (collectively
referred to as “The Parties”) hereby submit the following proposed order and discovery plan

pursuant to the Court's Minute Entry of May 15, 2020 (Dkt. 50). Specifically, the Parties request that the following schedule be entered:

| | |
|--|-------------------|
| Jury Trial Date | December 15, 2020 |
| Deadline for joining additional parties | December 31, 2019 |
| Deadline for filing amended pleadings | January 10, 2020 |
| Reports from expert witness under FRCP 26(a)(2) due | July 10, 2020 |
| All motions related to discovery must be filed and noted on the motion calendar of the third Friday thereafter (see CR7(d)) | July 31, 2020 |
| Discovery Complete by | August 21, 2020 |
| All dispositive motion must be filed by and noted on the motion calendar on the fourth Friday thereafter (see CR7(d)) | September 4, 2020 |
| All motions in limine must be filed by and noted on the motion calendar not earlier than the third Friday thereafter and no later than the Friday before the pretrial conference | November 10, 2020 |
| Agreed pretrial order due | December 1, 2020 |
| Trial briefs, proposed voir dire questions, and proposed jury instructions | December 1, 2020 |
| Pretrial Conference | December 3, 2020 |

I. Discovery Plan

A limited amount of discovery has already taken place to date. However, further discovery is needed on matters concerning coverage, NAT's extra contractual claims and the potential causes of the failure of the subject floor. As a result, both NAT and Travelers anticipate taking additional depositions. NAT reserves the right to depose additional witnesses subject to the responses and documents provided by Travelers to NAT's discovery requests.

NAT plans on deposing the following witnesses, not including experts:

- A. Bill Spencer – NAT assigned defense counsel
- B. Allan Ryce – Travelers employee
- C. Dana Falstad – Travelers employee
- D. Abigail Hecksher – Travelers employee
- E. Jim Phillips – Expert Witness
- F. Travelers 30(b)(6)

1 G. T&M 30(b)(6)

2 Travelers plans on deposing the following deponents, not including experts:

3 A. Randy Rubenstein, in his individual capacity.

4 Travelers reserves the right to depose additional witnesses as needed.

5 The parties are currently in the process of scheduling depositions in June and July for the
6 above referenced individuals. Following the depositions of these individuals, the party's will
7 make their expert disclosures on July 10 and then schedule the depositions of the same for July
8 and August 2020.

9 The parties reserve the right to issue additional written discovery as needed. The written
10 discovery will be issued in compliance with this scheduling order and local rules.

11 **II. Proposed Discovery Dates**

12 The parties agree that the December 15, 2020 trial date is reasonable. Dispositive motions
13 are now due on September 4, 2020. Given the new dispositive motion deadline, the parties
14 anticipate that discovery can be completed by August 21, 2020. Moving the discovery deadline
15 until the end of August will allow the parties to use the summer months to conduct necessary
16 depositions while still being able to meet the discovery and dispositive motion deadlines.

17 Travelers plans on filing two dispositive motions. The first will be a motion seeking
18 summary judgment on all coverage issues and NAT's breach of contract claim. The second will
19 be a motion on NAT's extra-contractual claims. The motion regarding NAT's extra-contractual
20 claims will not be brought until after discovery has closed. Travelers reserves the right to bring
21 its motion regarding coverage and NAT's breach of contract claim as soon as it deems
22 appropriate. NAT takes the position that it needs to take depositions before it can respond to any
23

summary judgment motion filed by Travelers. NAT also reserves the right to file one or more summary judgment motions pending further discovery.

Dated this 22 day of May, 2020.

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s/ Eric Neal

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*Attorneys for Third Party Defendant Terrazo
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III. ORDER

Specifically, the Court ORDERS that the following schedule be entered:

| | |
|--|-------------------|
| Jury Trial Date | December 15, 2020 |
| Deadline for joining additional parties | December 31, 2019 |
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| Pretrial Conference | December 3, 2020 |

IT IS SO ORDERED.

DATED this 22nd day of May, 2020.



Marsha J. Pechman
United States District Judge

1 Dated this 22nd day of May, 2020.

2 LETHER LAW GROUP

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4 s/ Eric Neal

5 Thomas Lether, WSBA #18089

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

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By: ☐ First Class Mail ☒ ECF/ E-mail ☐ Legal Messenger

Dated this 22nd day of May, 2020 at Seattle, Washington.

s/ Adam Arceneaux
Adam Arceneaux | Paralegal